

SCHEDULE 1

SCOTTISH LOCAL GOVERNMENT ELECTIONS RULES RULES FOR CONDUCT OF A SCOTTISH LOCAL GOVERNMENT ELECTION WHERE THE POLL IS NOT TAKEN TOGETHER WITH THE POLL AT ANOTHER ELECTION

PART II

STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

Nomination

Decisions as to validity of nomination papers

7.—(1) Where a nomination paper is delivered in accordance with these rules, the candidate shall be deemed to stand nominated unless and until—

- (a) the returning officer decides that the nomination paper is invalid;
- (b) proof is given to the returning officer's satisfaction of the candidate's death; or
- (c) the candidate withdraws.

(2) The returning officer is entitled to hold a nomination paper invalid only on one or more of the following grounds:—

- (a) the paper does not bear to be subscribed by the candidate;
- (b) the particulars of the candidate are not as required by these rules;
- (c) the paper does not bear to have been subscribed by a witness; or
- (d) the paper does not bear to include the name of the witness or the home address of the witness.

(3) Subject to paragraph (4) the returning officer shall examine each nomination and decide whether the candidate has been validly nominated—

- (a) as soon as practicable after delivery of the nomination paper; and
- (b) in any event, before the end of the period of 24 hours starting with the close of the period for delivery of nomination papers set out in the timetable in rule 1.

(4) If in the returning officer's opinion a nomination paper contravenes rule 4(4) to (7), the returning officer shall give a decision to that effect—

- (a) as soon as practicable after the delivery of the nomination paper; and
- (b) in any event, before the end of the period of 24 hours starting with the close of the period for delivery of nomination papers set out in the timetable in rule 1.

(5) Where the returning officer decides that a nomination paper is invalid, the returning officer shall endorse and sign on the paper the fact and the reasons for such decision.

(6) The returning officer shall send notice of such decision that a nomination paper is valid or invalid to each candidate at the candidate's home address as given in such nomination paper.

(7) The returning officer's decision that a nomination paper is valid shall be final and shall not be questioned in any proceeding whatsoever.

(8) Subject to paragraph (7), nothing in this rule prevents the validity of a nomination being questioned on an election petition.